

POINT PAPER  
ON  
NGB SEXUAL ASSAULT CASE REPORTS

**BACKGROUND:** Congress told DoD to create a Sexual Assault (SA) Program (28 Oct 04). DoD set up SA Prevention and Response (SAPR) Program with Directive Type Memos (twelve DTMs, 12 Nov 04 – 16 Mar 05), USAF Policies for Prevention of and Response to SA (USAF Policies, 3 Jun 05), DoDD 6495.01, SAPR Program (6 Oct 05), and, AR 600-20, Command Policies, Chapter 8, SAPR Program (1 Feb 06) and DoDI 6495.02, SAPR Program Procedures (12 Jun 06).

**NGB PROGRAM:** NGB-J1 issued SAPR policy memos on: Commander's Checklist (15 Jun 05); Victim Services Resource Guide (15 Jun 05); and, State SA Programs and Sexual Assault Response Coordinators (SARCs) (19 Jul 05). CNGB set policies in All States Memos (8 Sep 05 and 12 Jun 06). NGB-J1 training Joint Force Headquarters (JFHQ) SARCs, unit SARCs and Victim Advocates (VAs) to implement program in states and units (Atlanta – Sep 05, Little Rock - Nov 05, Los Angeles – Apr 06, St Louis - May 06, Little Rock – Aug 06).

**CASE REPORTING**

- DoD creating database to gather information on SA cases and make yearly reports to Congress.
- Army creating database to gather information on SA cases within Army, USAR, and ARNG.
- SA case reporting limited to those with “valid” or “legitimate need to know” to encourage victims to report and to protect their privacy (DoDD 6495.01, paragraph E3.1.6.1, DoDI 6495.02, E5A1, pages 25 and 27, USAF Policies, paragraphs 6 and 7, and AR 600-20, paragraphs 8-4c, 8-4d and 8-5p(8)).
- Recent reports within NGB provided too much information about victims.

**WAY AHEAD**

- NGB-J1 building SAPR Program.
  - VAs report cases to Unit SARCs, who report to JFHQ SARCs, who report to NGB SARC, Ms Ellen Jane Lux. Verbal reports made to Ms. Lux, or Service Program Manager, within 24-48 hours. Written reports to be by e-mail and consistent with DoD, USAF and Army policies using only non-identifying personal information. An Executive Summary of the case should be sent via e-mail to Ms. Lux and the victim's Service Program Manager within 2 weeks
  - NGB SARC will report to senior NGB leadership with “need to know.” Reports to have only basic details (see attached examples) so leadership can respond to queries from DoD or Congress.
- Case reporting procedures may change as DoD issues policies and sets up the database.

## NGB SEXUAL ASSAULT CASE REPORTS

### PROCESS OUTLINE

#### **NEED TO KNOW:**

- DoD, Army and USAF policies restrict SA case reporting to those with a valid need to know. NGB senior leadership needs to know of reports to be able to respond to queries from DoD or Congress, to insure the SAPR Program is running effectively, and to provide any top level help to the program.

-- NGB senior leadership is: the Chief, NGB; the Director and Deputy Directors of the ARNG and ANG; and, the Commanders of the ARNG and ANG Readiness Centers.

-- NGB senior leadership responses to queries will be simple. Sample responses include:

--- "A sexual assault case was reported in Texas and the member was referred to medical care. To protect the privacy of the victim, I have no further details."

--- "A sexual assault case was reported in Maine. The victim reported the crime to local police and was offered medical care. To protect the privacy of the victim, I have no further details."

**REPORTING PROCESS:** Verbal reports should be made within 24-48 hours after VA or SARC is notified of the sexual assault. Written reports will be sent by e-mail within two weeks. JFHQ SARC or alternates will report cases to the NGB SARC, Ms Ellen Jane Lux, or her alternate. The NGB SARC will forward reports with only the "need to know" information to NGB senior leadership.

#### **EXAMPLES OF REPORTS FOR NGB SENIOR LEADERSHIP:**

- Example 1: On 04 May 2006, a Connecticut Guardsman reported they were recently (within the last 30 days) sexually assaulted in Connecticut. They made an Unrestricted Report and were referred to medical care. A "no contact order" was given to the alleged assailant. The proper local commanders have been informed (the commander of the victim and the commander of the subject) and the case is under investigation by local police.

- Example 2: On 01 May 2006, a Wisconsin Guardsman reported they were sexually assaulted in Wisconsin, but it was not a recent assault (not within the last 30 days). The Guardsman made a Restricted Report and was referred to medical care. The identities of the member and subject are protected. But, non-identifying details were provided to the local commander to prevent future assaults.

- Example 3: On 28 April 2006, a Texas Guardsman reported they were sexually assaulted in Iraq, but it was not a recent assault (not within the last 30 days). They requested "Unrestricted Reporting" and have been referred for medical care. The proper commanders have been informed (the commander of the victim and the commander of the subject) and the case is under investigation by Central Command.